



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute Improvement Deferral Agreement for 33 East Tokay Street

MEETING DATE: May 2, 2012

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Adopt resolution authorizing City Manager to execute improvement deferral agreement for 33 East Tokay Street.

BACKGROUND INFORMATION: The owner of the property, Robert L. and Carolyn W. Reynolds Family, LLC, has submitted a building permit application (B1 1-1626) for the construction of an addition to an existing building located at 33 East Tokay Street (APN 047-020-02).

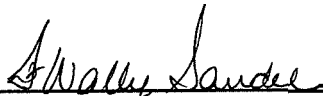
The building permit conditions for the construction of the new building include, but are not limited to, the installation of 381 feet of concrete sidewalks, curb, gutter, a curb return, 60 feet of 12-inch storm drain pipe and replacing/installing 5,525 square feet of asphalt concrete along Main Street. The estimated cost of these improvements is \$123,721. The owner has requested that the required improvements be deferred until such time similar improvements are completed on the northerly property on Main Street by that property owner or as part of a City improvement project, whichever occurs first.

The owner has signed the improvement deferral agreement and paid the necessary document preparation fee and recording fees. The agreement, in part, states that the owner agrees to pay for and complete the design and installation of the required improvements on Main Street in accordance with City standards, including payment for engineering and other applicable City fees, at the time of development of adjacent parcels, or at the request of the City, whichever occurs first.

Staff recommends approval of the improvement deferral agreement.

FISCAL IMPACT: None.

FUNDING: The improvement deferral agreement fee (\$1,849) and recording fees were paid by the owner.


F. Wally Sandelin
Public Works Director

Prepared by Chris Boyer, Assistant Engineer
FWS/CRB/pmf
cc: Development Services
Robert L. and Carolyn W. Reynolds Family, LLC

APPROVED: 
Konrad Bartlam, City Manager

WHEN RECORDED, RETURN TO:

City Clerk
City of Lodi
221 West Pine Street
Lodi, CA 95240

IMPROVEMENT DEFERRAL AGREEMENT

33 East Tokay Street, Lodi, California
(APN 047-020-02)

THIS AGREEMENT is made and entered into by and between the CITY OF LODI, hereinafter referred to as "City" and ROBERT L. AND CAROLYN W. REYNOLDS FAMILY, LLC, hereinafter referred to as "Owner".

RECITALS:

Owner is the owner of that certain real property situated in the City of Lodi, County of San Joaquin, known as 33 East Tokay Street (APN 047-020-02) and described as follows:

See Exhibit A for legal description.

Building application (B 11-1626) has been submitted to allow a tenant improvement to an existing building on the subject property. Installation of public improvements along Tokay Street and Main Street are required as a condition of permit issuance in accordance with existing City ordinances and policies regarding off-site improvements as set forth in Title 15, Chapter 15.44 of the Lodi Municipal Code. Required improvements include, but are not limited to, the installation 381-feet of concrete sidewalks, curb, gutter, a curb return, 60-feet of 12-inch storm drain pipe, 2 catch stormwater catch basins and replacement/installment of 5,525 square feet of asphalt concrete, see Exhibit B for total improvements quantities. Owner is desirous of complying with existing City ordinances and policies regarding off-site improvements. Owner has requested that the improvements on Tokay Street and Main Street be deferred.

Council of the City will approve the deferral of the required Tokay Street and Main Street improvements on condition that the Owner first enters into and execute this agreement with City.

NOW THEREFORE, in order to insure satisfactory performance by Owner of Owner's obligations under said City Code, the parties agree as follows:

1. Owner agrees to pay for and complete the design and installation of the required improvements on Tokay Street and Main Street in accordance with City Standards, including payment for engineering and other applicable City fees, at the time of the widening of Main Street, or at the request of the City, whichever occurs first.
2. Owner agrees to undertake the design and construction of the required improvements within 30 days after written notice is given by the City, subject to Item #1 above, and will complete the required improvements within 120 days from the date of notice.

3. This agreement shall run with the land and be binding on the Owner, its heirs, successors or assigns.
4. If Owner fails to complete the required improvements, or make the fee payments as required by Item #1 of this Agreement within the time period specified in Item #2 above, the City shall be entitled, at its election, to either 1) file suit against Owner, its heirs, successors or assigns, for the full value of the improvements at the time period specific in Item #2 above plus attorney fees, or 2) complete the improvements at the expense of Owner, and file suit against Owner, its heirs, successors or assigns for the costs incurred, plus attorney fees. In either case, the City shall be entitled to file a lien against said property for the full value of the improvement costs.
5. A copy of the Agreement shall be recorded in the office of the San Joaquin County Records, P. O.Box 1968, Stockton, California 95201-1968.
6. All notices herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Notices required to be given to City shall be addressed as follows:

F. Wally Sandelin
Public Works Director
City of Lodi
P. O.Box 3006
Lodi, CA 95240-1910

Notices required to be given to Owner shall be addressed as follows:

Robert L. Reynolds
33 E. Tokay St.
Lodi, CA 95242

IN WITNESS WHEREOF, the parties hereto have set their hands the day, month and year appearing opposite their names.

CITY OF LODI, a Municipal Corporation

Dated: _____ 2012

By: _____
Konradt Bartlam, City Manager

Attest: _____
Randi Johl, City Clerk

Robert L. Reynolds, Manager

Dated: _____ 2012

Approved as to form: _____
D. Stephen Schwabauer
City Attorney



Dated: _____ 2012

EXHIBIT "A"

PARCEL FIVE: [APN: 047-020-02]

LOTS 19, 20, 21, 22, 23, 24, 25, 26, AND 27 IN BLOCK "A", AS SAID LOTS AND BLOCK ARE SHOWN UPON THAT CERTAIN MAP ENTITLED, SUBDIVISION OF LOT 72 OF THE LODI BARNHART TRACT, FILED FOR RECORD JULY 8, 1908 IN VOLUME 4 OF MAPS AND PLATS, AT PAGE 30, SAN JOAQUIN COUNTY RECORDS.

EXCEPT THEREFROM THE WESTERLY 74.80 FEET THEREOF AS CONVEYED TO SOUTHERN PACIFIC COMPANY, A CORPORATION, BY DEED RECORDED SEPTEMBER 26, 1908 IN BOOK "A" OF DEEDS, VOLUME 175, AT PAGE 27, SAN JOAQUIN COUNTY RECORDS.

ALSO EXCEPT THOSE PORTIONS OF LOTS 26 AND 27 AS CONVEYED TO CENTRAL CALIFORNIA TRACTION COMPANY, A CORPORATION, BY DEED RECORDED APRIL 27, 1933 IN VOLUME 425 OF OFFICIAL RECORDS, AT PAGE 148, SAN JOAQUIN COUNTY RECORDS.

ALSO EXCEPT THOSE PORTIONS OF LOTS 19 AND 20 AS CONVEYED TO TOKAY COLD STORAGE COMPANY, A CALIFORNIA CORPORATION, BY DEED RECORDED APRIL 13, 1951 IN VOLUME 1336 OF OFFICIAL RECORDS, AT PAGE 318.

Development: 33 East Tokay Street
Developer:
Engineer:

Acres:
Date: 4/5/12

TOTAL COST OF PROJECT IMPROVEMENTS

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Price</u>	<u>Total</u>	<u>Quantity</u>	<u>Total</u>
<u>Street System</u>							
1	Vertical Curb and Gutter	381	LF	29.00	11,049.00	381	11,049.00
2	Sidewalk	2,858	SF	6.00	17,145.00	2,858	17,145.00
3	Curb Return, including Handicap Ramp	1	EA	2,910.00	2,910.00	1	2,910.00
4	Concrete Subgrade Compaction	2,858	SF	3.00	8,572.50	2,858	8,572.50
5	Side Inlet Catch Basin	2	EA	2,328.00	4,656.00	2	4,656.00
6	12" Storm Drain Pipe (RCP)	60	LF	41.00	2,460.00	60	2,460.00
7	Aggregate Base, Class II (0.50')	5,525	SF	0.90	4,972.05	5,525	4,972.05
8	Asphalt Concrete, Type B (0.30')	5,525	SF	2.00	11,049.00	5,525	11,049.00
9	Compact Original Ground (0.50')	5,525	SF	0.20	1,104.90	5,525	1,104.90
10	Remove Existing Pavement	5,525	SF	7.00	38,671.50	5,525	38,671.50
11	Street Name Sign & Post	1	EA	511.00	511.00	1	511.00
Subtotal					\$103,100.95	Subtotal	\$103,100.95
Total Construction Cost							\$103,100.95
Engineering & Administration (10% of Construction Costs)							\$10,310.10
Contingencies (10% of Construction Costs)							\$10,310.10
TOTAL COST							A. Total \$123,721.14

RESOLUTION NO. 2012-48

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING IMPROVEMENT DEFERRAL AGREEMENT
WITH ROBERT L. AND CAROLYN W. REYNOLDS
FAMILY, LLC, FOR 33 EAST TOKAY STREET

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NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Improvement Deferral Agreement between the City of Lodi and Robert L. and Carolyn W. Reynolds Family, LLC, for installation of public improvements for the facility located at 33 East Tokay Street; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the agreement on behalf of the City of Lodi.

Dated: May 2, 2012

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I hereby certify that Resolution No. 2012-48 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 2, 2012, by the following vote:

AYES: COUNCIL MEMBERS - Hansen, Johnson, Katzakian, and
Mayor Mounce

NOES: COUNCIL MEMBERS - None

ABSENT: COUNCIL MEMBERS - Nakanishi

ABSTAIN: COUNCIL MEMBERS - None


RANDI JOHL
City Clerk

CITY COUNCIL

JOANNE L. MOUNCE, Mayor
ALAN NAKANISHI,
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
PHIL KATZAKIAN

CITY OF LODI

PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710
EMAIL pwdept@lodi.gov
<http://www.lodi.gov>

KONRADT BARTLAM
City Manager
RANDI JOHL
City Clerk
D. STEVEN SCHWABAUER
City Attorney
F. WALLY SANDELIN
Public Works Director

April 25, 2012

Robert L. and Carolyn W. Reynolds Family, LLC
33 E. Tokay Street
Lodi, CA 95240

SUBJECT: Adopt Resolution Authorizing City Manager to Execute Improvement
Deferral Agreement for 33 East Tokay Street

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, May 2, 2012. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Randi Johl, City Clerk, at 333-6702.

If you have any questions about the item itself, please call Chris Boyer, Assistant Engineer, at 333-6800, extension 3321.



for: F. Wally Sandelin
Public Works Director

FWS/pmf

Enclosure

cc: City Clerk